

109TH CONGRESS
2D SESSION

H. R. 6410

To amend the Communications Act of 1934 to prohibit a provider of telephone exchange service, exchange access, or commercial mobile service from imposing a charge for number portability (other than a one-time, separate charge to port a number), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2006

Mr. ACKERMAN introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to prohibit a provider of telephone exchange service, exchange access, or commercial mobile service from imposing a charge for number portability (other than a one-time, separate charge to port a number), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Profit Honesty in Of-
5 fering Number Emancipation Act of 2006”.

1 **SEC. 2. CHARGES FOR NUMBER PORTABILITY.**

2 (a) PROHIBITION.—Section 251 of the Communica-
3 tions Act of 1934 (47 U.S.C. 251) is amended—

4 (1) by redesignating subsections (h) and (i) as
5 subsections (i) and (j), respectively; and

6 (2) by inserting after subsection (g) the fol-
7 lowing:

8 “(h) CHARGES FOR NUMBER PORTABILITY.—

9 “(1) PROHIBITION.—Except as provided in
10 paragraph (2), a provider of telephone exchange
11 service, exchange access, or commercial mobile serv-
12 ice (as defined in section 332(d)) shall not impose
13 any charge on a customer (whether imposed sepa-
14 rately or incorporated into the customer’s monthly
15 rates) to recover the costs of providing number port-
16 ability in accordance with this section and Commis-
17 sion requirements thereunder.

18 “(2) ONE-TIME, SEPARATE CHARGE.—

19 “(A) IN GENERAL.—A provider described
20 in paragraph (1) may impose a one-time, sepa-
21 rate charge on a customer in connection with
22 porting a number to or from another provider
23 at the request of the customer.

24 “(B) AMOUNT.—The Commission shall set
25 the maximum amount of a charge allowed
26 under subparagraph (A). Such amount—

1 “(i) shall be the same in any case;
2 and

3 “(ii) shall be equal to the approximate
4 cost incurred by a provider in porting a
5 number.

6 “(C) CONSIDERATIONS.—In setting the
7 maximum amount under subparagraph (B), the
8 Commission—

9 “(i) may consider the ongoing costs of
10 maintaining and operating a number port-
11 ability system; and

12 “(ii) may not consider costs recovered
13 pursuant to regulations under this section
14 (as in effect on the date of the enactment
15 of the Profit Honesty in Offering Number
16 Emancipation Act of 2006) for the imple-
17 mentation of number portability.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) apply only with respect to charges imposed
20 on or after the date that is 90 days after the date of the
21 enactment of this Act.

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